

Commission d/b/a Wisconsin River Rail Transit Commission (WRRTC) have agreed to grant non-exclusive overhead trackage rights and certain industry access to Soo Line Railroad Company d/b/a CP Rail System (CPRS), over and upon WRRTC's line of railroad (owned in conjunction with the Wisconsin Department of Transportation and leased and operated by WICT and WSOR). The trackage is located between Madison, WI, milepost 138.58 +/- and a connection with the Chicago and North Western Transportation Company (CNW)² at milepost 48.80 +/- in Janesville, WI. The trackage rights will (1) allow CPRS access to WRRTC's lines and WICT's and WSOR's leased trackage between Madison and a connection with the CNW in Janesville, and (2) offer CPRS an alternative and additional route for handling traffic between Madison and Janesville. The trackage rights were to become effective on or after August 29, 1994.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.³ The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Wayne C. Serkland, 1000 Soo Line Bldg., 105 South 5th St., Minneapolis, MN 55402.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: March 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-5945 Filed 3-9-95; 8:45 am]

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[Finance Docket No. 32664]

The Georgia Department of Transportation—Acquisition Exemption—Georgia Central Railway

The State of Georgia Department of Transportation (GDOT), a noncarrier,

has filed a notice of exemption to acquire 33.65 miles of railroad and right-of-way from Georgia Central Railway (GC) between milepost 577.85 at Vidalia and milepost 611.50 at Helena, in Dodge and Telfair Counties, GA.¹ Under a new lease arrangement with GDOT, GC will continue to operate the line. The lease provides for GC to operate and maintain the line, including the crossing agreement with Norfolk Southern Railway at Helena, on an abandoned segment of track.

Consummation of the proposed transaction is scheduled to take place on or after March 8, 1995.

Any comments must be filed with the Commission and served on: George P. Shingler, 40 Capitol Square, Atlanta, GA 30334.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-50]

Michael Schumacher; Denial of Registration

On May 18, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael Schumacher, General Television (Respondent), of Urbana, Illinois, proposing to deny his application for a DEA Certificate of Registration as a manufacturer. 21 U.S.C. 823(a) (1992). The statutory basis for the Order to Show Cause was Respondent's lack of authorization to manufacture controlled substances in the State of Illinois. 21 U.S.C. 824(a)(3). In addition, the Order to Show Cause alleged that Respondent's registration

would be inconsistent with the public interest, as the term is used in 21 U.S.C. 823(a) and 824(a)(4).

The Order to Show Cause was sent to Respondent's registered location by registered mail on May 18, 1994, and on June 10, 1994, Respondent filed a request for hearing with the Office of Administrative Law Judges. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. This case was then consolidated with Docket No. 94-37 wherein Normaco of Delaware, Inc. (Normaco) had requested a hearing pursuant to 21 CFR 1301.43(a) (1994), in response to a notice of Respondent's application for registration as a bulk manufacturer of various Schedule II controlled substances (58 FR 60061 (1994)). On June 28, 1994, the administrative law judge granted Normaco's request to withdraw from this matter.

Counsel for the Government filed a motion for summary disposition on July 18, 1994, based on an order of the Illinois Department of Professional Regulation (DPR), dated July 10, 1992, denying Respondent's application for a state license to manufacture and conduct medical research under the Illinois Controlled Substances Act. Respondent did not file a response to the Government's motion.

On September 29, 1994, the administrative law judge issued her opinion and recommended decision. The administrative law judge granted the Government's motion for summary disposition finding that Respondent is not eligible for a DEA registration as a bulk manufacturer of Schedule I and II controlled substances and therefore a hearing would serve no purpose. The administrative law judge found that Respondent currently lacks state authorization to handle controlled substances in the State of Illinois because Respondent was denied a state license to manufacture controlled substances by the Illinois DPR on July 10, 1992. As the administrative law judge noted, DPR's denial was based on findings that Respondent was unaware what substances were controlled under Illinois law, that Respondent did not have a background in those sciences pertaining to controlled substances, and that Respondent failed to demonstrate that its application should be granted. The administrative law judge noted that 21 U.S.C. 823(a), the provision requiring registration of manufacturers of Schedule I and II controlled substances, contains no express threshold requirement of state authorization. Nonetheless, she concluded that where as here state law requires manufacturers of controlled substances to obtain a state

² Effective May 6, 1994, the Chicago and North Western Transportation Company changed its name to the "Chicago and North Western Railway Company".

³ The United Transportation Union filed a petition to revoke on September 1, 1994. That petition is currently pending.

¹ GDOT proposes to acquire fee title from GC and rehabilitate the line for the purpose of continued rail operations. GC will sell the line to GDOT by quitclaim deed. GC's residual common carrier obligation as lessor will be transferred to GDOT and GC will have no common carrier obligation once the transaction has been completed.